

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FREDRICK BACA,

Plaintiff,

v.

Civ. No. 22-0082 KG-JHR

MICHELLE LUJAN GRISHAM,

Defendant.


ORDER OF DISMISSAL

This matter is before the Court following Plaintiff's failure to prosecute his civil complaint. Plaintiff is incarcerated and proceeding *pro se*. He seeks relief under 42 U.S.C. § 1983 based on, inter alia, Governor Lujan-Grisham's handling of the COVID-19 pandemic. (Doc. 1). By an Order entered February 7, 2022, the Court directed Plaintiff to prepay the \$402 civil filing fee or, alternatively, file a motion to proceed *in forma pauperis*. See Doc. 2; 28 U.S.C. § 1915 (setting forth the *in forma pauperis* requirements); *Bruce v. Samuels*, 577 U.S. 82, 89–90 (2016) (Section 1915(b) applies "each time a prisoner 'brings a civil action'"). Plaintiff was warned that the failure to timely comply may result in dismissal of this case without further notice. See Doc. 2.

The deadline to address the filing fee was March 9, 2022. Plaintiff failed to comply, request an extension, or otherwise respond to the Order. Hence, the Court will dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(b). That rule permits dismissal for "failure to prosecute [and] comply with the ... court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003). See also *Kouris v. Gurley*, 272 Fed. App'x 724, 726 (10th Cir. 2008) (affirming dismissal of prisoner complaint for failure to address the initial filing fee).

IT IS ORDERED:

1. Plaintiff's Letter-Complaint Under 42 U.S.C. § 1983 (Doc. 1) is dismissed without prejudice.
2. The Court will enter a separate judgment closing this civil case.


UNITED STATES DISTRICT JUDGE